

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NEW YORK
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6 UNITED STATES OF AMERICA

12-CR-6126(G)

7 vs.

8 CHELLSIE BLUE,

Defendant.

Rochester, New York

January 8, 2014

10:00 a.m.

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10
11 TRANSCRIPT OF PROCEEDINGS
12 BEFORE THE HONORABLE FRANK P. GERACI, JR.
13 UNITED STATES DISTRICT JUDGE

14 WILLIAM J. HOCHUL, JR., ESQ.
15 United States Attorney
16 BY: TIFFANY H. LEE, ESQ.
17 Assistant United States Attorney
18 6200 Federal Building
19 Rochester, New York 14614

20 MARIANNE MARIANO, ESQ.
21 Federal Public Defender
22 BY: MARK D. HOSKEN, ESQ.
23 Assistant Federal Public Defender
24 28 East Main Street, Suite 400
25 Rochester, New York 14614
Appearing on behalf of the Defendant

23 COURT REPORTER: Christi A. Macri, FAPR, RMR, CRR, CRI
24 Kenneth B. Keating Federal Building
25 100 State Street, Room 4240
Rochester, New York 14614

P R O C E E D I N G S

* * *

(WHEREUPON, Jerese Blue and Chellsie Blue are present).

09:59:57AM THE COURT: Are you Chellsie Blue?

DEFENDANT CHELLSIE BLUE: Yes.

THE COURT: Appearing with your attorney, Mr. Hosken?

DEFENDANT CHELLSIE BLUE: Yes.

10:07:52AM THE COURT: And how do you say your first name?

DEFENDANT CHELLSIE BLUE: Chellsie.

THE COURT: No, your sister.

DEFENDANT JERESE BLUE: Jerese.

THE COURT: Jerese?

10:08:02AM MR. MULDOON: Jerese.

THE COURT: Okay, Jerese Blue; is that right?

DEFENDANT JERESE BLUE: Yes.

THE COURT: Appearing with your attorney, Mr. Muldoon --

10:08:07AM DEFENDANT JERESE BLUE: Yes.

THE COURT: -- is that right?

Okay, we're going to handle these individually, correct? So we'll start with Ms. Chellsie Blue. And then we'll proceed with Jerese right afterwards, okay?

10:08:28AM Ms. Chellsie Blue, over the next several minutes

1 I'm going to be asking you a series of questions. It's
2 important that you give honest answers to the Court. You'll
3 be placed under oath. If you fail to give honest answers, do
4 you understand you could be charged with perjury?

10:08:44AM 5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Okay. Also, if you don't understand
7 anything at any time, take the opportunity to step back and
8 ask Mr. Hosken any questions. If you have any questions of
9 the Court, feel free to ask me any questions as well, but I
10 would ask first that you ask that question of your attorney.

11 Do you understand that as well?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Okay. At this time the clerk will place
14 you under oath.

10:09:06AM 15 (**WHEREUPON**, Ms. Chellsie Blue was administered the
16 oath).

17 **THE COURT:** Now, Ms. Blue, how old are you?

18 **THE DEFENDANT:** 23.

19 **THE COURT:** How far did you go in school?

10:09:23AM 20 **THE DEFENDANT:** 9th grade, I'm getting my GED now.

21 **THE COURT:** Okay. Are you currently taking any
22 medications or drugs?

23 **THE DEFENDANT:** No, Your Honor.

24 **THE COURT:** Are you under the influence of any
10:09:32AM 25 alcohol at this time?

1 **THE DEFENDANT:** No, Your Honor.

2 **THE COURT:** Okay. Do you have any physical or
3 mental condition affecting your ability to understand anything
4 that's occurring this morning?

10:09:42AM 5 **THE DEFENDANT:** No, Your Honor.

6 **THE COURT:** Okay. Have you had the opportunity to
7 review this plea agreement with your attorney?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** Are you here of your own free will?

10:09:50AM 10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Has anybody forced you or coerced you
12 into a plea today?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** Do you understand that you have a right
10:09:57AM 15 to proceed to trial on this matter?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** When you plead guilty, you're giving up
18 that right?

19 **THE DEFENDANT:** Yes.

10:10:02AM 20 **THE COURT:** Do you understand you're giving up your
21 right to allow your attorney to cross-examine witnesses on
22 your behalf?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** That you're giving up your right to have
10:10:10AM 25 the Government prove this case beyond a reasonable doubt?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** When you plead guilty, it's the same as
3 if you were found guilty after we had a trial.

4 Do you understand that?

10:10:19AM 5 **THE DEFENDANT:** Yes.

6 **THE COURT:** At this time I'm going to review this
7 plea agreement with you. Again, if there's something you
8 don't understand, ask Mr. Hosken, okay?

9 **THE DEFENDANT:** Mm-hmm, yes.

10:10:37AM 10 **THE COURT:** Ms. Blue, this agreement indicates
11 you've agreed to waive indictment. What that means is you're
12 giving up your right to have this case presented to a grand
13 jury.

14 Do you understand that?

10:10:48AM 15 **THE DEFENDANT:** Yes.

16 **THE COURT:** That instead of an indictment filed by a
17 grand jury, there will be an information filed by the
18 Government which charges you with -- through what's called a
19 superseding information with a charge of -- is it sex
10:11:05AM 20 trafficking?

21 **MS. LEE:** Conspiracy to commit sex trafficking,
22 Your Honor.

23 **THE COURT:** Conspiracy to commit sex trafficking.
24 Do you understand that?

10:11:12AM 25 **THE DEFENDANT:** Yes.

1 THE COURT: Do you understand that the maximum
2 penalty for that charge involves a term of imprisonment for
3 life?

4 THE DEFENDANT: Yes.

10:11:19AM 5 THE COURT: That involves a fine of \$250,000; a
6 mandatory \$100 special assessment; and a period of supervised
7 release of five years up to life.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10:11:30AM 10 THE COURT: Those are the maximum sentences.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that if there's any
14 restitution in this case, the Court will be required to order
10:11:40AM 15 that you pay restitution?

16 Do you understand that as well?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that if you were
19 sentenced to a period of incarceration, and then a period of
10:11:50AM 20 supervised release, and you violated the conditions of
21 supervised release, that you could be sentenced up to a period
22 of five years incarceration without receiving credit for the
23 time you served on supervised release?

24 THE DEFENDANT: Yes.

10:12:01AM 25 THE COURT: Okay. Do you understand that after you

1 were convicted of this charge, that you would be considered a
2 sex offender and would have to register under the Sex Offender
3 Registration and Notification Act?

4 **THE DEFENDANT:** Yes.

10:12:13AM 5 **THE COURT:** That means notifying local authorities
6 where you reside, where you're employed, and if you're a
7 student somewhere, where you're a student.

8 Do you understand that?

9 **THE DEFENDANT:** Yes.

10:12:23AM 10 **THE COURT:** At this time, Ms. Blue, I'm going to
11 review with you the elements of this particular charge that
12 you would be entering a plea.

13 First, the Government would have to prove if this
14 matter were to proceed to trial four elements.

10:12:40AM 15 The first being that there was a conspiracy or an
16 agreement to recruit, harbor, entice, transport, obtain or
17 maintain by any means in and affecting interstate and foreign
18 commerce a person, knowing and in reckless disregard of the
19 fact that the person was under the age of 18 and would be
10:13:04AM 20 called to engage in commercial sex acts.

21 Do you understand that --

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** -- those are the elements the
24 Government would have to prove?

10:13:11AM 25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Okay. Now, I'm going to review with you
2 what is alleged is your involvement in this particular
3 offense, and tell me if you agree with these facts as alleged.

4 This indicates that between April 4th, 2012 and
10:13:27AM 5 April 18th, 2012, that you, Chellsie Blue, did knowingly in
6 and affecting interstate and foreign commerce, combine, agree,
7 confederate and agree with your sister Jerese Blue to commit
8 an offense against the United States, specifically, to
9 recruit, entice, harbor, transport, provide, obtain and
10:13:52AM 10 maintain two individuals who are listed in this document as
11 victims 1 and 2, knowing and in reckless disregard of the fact
12 that those two individuals identified as victims 1 and 2 had
13 not obtained the age of 18 and would be caused to engage in a
14 commercial sex act.

10:14:13AM 15 Is that correct? Is that what you were involved
16 with?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** And during these periods of time between
19 April 4th, 2012 and April 18th, 2012, that you and Jerese Blue
10:14:24AM 20 knew and acted with reckless disregard of the fact that those
21 two individuals, victim 1 and victim 2, were under the age of
22 18 and would be caused to engage in a commercial sex act.

23 Is that correct?

24 **THE DEFENDANT:** Yes.

10:14:39AM 25 **THE COURT:** This further indicates that you and

1 Jerese Blue did pay for and post advertisements for these
2 individuals, victims 1 and 2, as escorts on backpage.com, an
3 internet advertising website, knowing that the victims would
4 be caused to engage in commercial sex acts.

10:15:00AM 5 Is that correct?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** And that you and, again, Jerese Blue
8 further provided transportation to those two individuals,
9 victims 1 and 2, to meet with customers to engage in
10 commercial sex acts and allow the use of residences on
11 Arnett Boulevard to allow them to engage in commercial sex
12 acts.

13 Is that all correct?

14 **THE DEFENDANT:** Yes, Your Honor.

10:15:24AM 15 **THE COURT:** Do you understand that this particular
16 offense carries particular penalties under the guidelines?
17 I'm going to review that with you at this time.
18 First of all, that this particular offense has what's called a
19 base offense level of a level 30.

10:15:43AM 20 Do you understand that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** That there's a two level increase in
23 that level based upon the fact that there's use of a computer
24 to entice, encourage, offer, solicit a person to engage in
10:15:56AM 25 prohibited sex conduct with a minor.

1 Do you understand that as well?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** And that there's an additional two level
4 increase based upon the fact that the offense involved the
10:16:07AM 5 commission of a sex act.

6 Do you understand that?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** So when you add those four levels
9 increase to the 30, it results in an adjusted offense level of
10:16:19AM 10 level 34 relating to victim 1.

11 Do you understand that?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Regarding victim 2, that again the base
14 offense level is 30, that there again applies those same two
10:16:34AM 15 level increases for the use of a computer, and the offense
16 involving commission of a sex act, resulting in an offense
17 level for victim 2 of 34 as well.

18 Do you understand that?

19 **THE DEFENDANT:** Yes.

10:16:46AM 20 **THE COURT:** Okay. Do you understand that based
21 upon your acceptance of responsibility by your plea of guilty,
22 and your acknowledgment of your involvement in this offense,
23 that there would be a recommendation for a three level
24 downward adjustment in that score that would result in a total
10:17:05AM 25 offense level of 33.

1 Do you understand that?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Now, based upon your criminal history,
4 do you understand you would be categorized as a criminal
10:17:15AM 5 history category I, which is the lowest level?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Is that correct? Does the defendant
8 have any prior criminal record?

9 **MS. LEE:** No, not that the Government believes.

10:17:24AM 10 **THE COURT:** The next part of the guidelines is the
11 Court putting together that offense level together with the
12 criminal history category and coming up with a range of
13 sentences under the guidelines.

14 Do you understand that?

10:17:36AM 15 **THE DEFENDANT:** Yes.

16 **THE COURT:** When the Court puts together the
17 criminal total offense level of 33 with a criminal history
18 category of I, that your sentencing range would be from 135
19 months to 168 months.

10:17:50AM 20 Do you understand that?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Would involve a fine of between \$17,500
23 and \$175,000, and a period of supervised release between five
24 years and life.

10:18:01AM 25 Do you understand that?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Do you understand that under this plea
3 agreement you're subject to the maximum penalties that I
4 indicated to you in the beginning of this discussion?

10:18:13AM 5 Do you understand that?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** And do you understand under this
8 agreement both the Government and the defendant have reserved
9 the right to recommend a sentence outside those guidelines?

10:18:32AM 10 So the guidelines sentence is between 135 and 168 months. You
11 heard -- I indicated what the maximum sentences are.

12 Do you understand that?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** So the Government can make a

10:18:41AM 15 recommendation and your counsel as well on your behalf can
16 make a recommendation regarding the sentence which could be
17 less than that.

18 Do you understand that? Or more than that?

19 **THE DEFENDANT:** Yes.

10:18:50AM 20 **THE COURT:** Do you understand?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Do you understand that if for some
23 reason this plea was withdrawn, vacated or set aside, that
24 you're agreeing that the charges dismissed would then be
10:19:04AM 25 reinstated automatically?

1 Do you understand that?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** And that the time period to file
4 charges, you would be waiving that or giving that up, which is
10:19:12AM 5 called waiver of the statute of limitations.

6 Do you understand that as well?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Okay. Do you understand the Government
9 through this agreement is reserving their right to provide
10:19:24AM 10 Probation with information regarding this offense as well as
11 your background and history?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** That they are reserving their right to
14 respond to sentencing -- at sentencing to any statements you
10:19:36AM 15 make to Probation or to the Court?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Okay. And that they are reserving their
18 right to advocate for a specific sentence consistent with this
19 agreement.

10:19:46AM 20 Do you understand all that?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Do you understand the Government
23 indicates they will dismiss the indictment pending in this
24 case based upon the fact you'll be pleading guilty to what's
10:20:02AM 25 called a "superseding information"?

1 Do you understand that?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** That would occur at the time of
4 sentencing.

10:20:07AM 5 Do you understand?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Do you understand you're agreeing to
8 provide any financial records or information to Probation
9 which then can be disclosed to the U.S. Attorney's Office for
10 the collection of any unpaid financial obligations, including
11 fines or assessments?

12 Do you understand that?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Or if there's restitution.

10:20:25AM 15 Do you understand that as well?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Do you understand that you've limited
18 your right to appeal the sentence in this case if, in fact,
19 the Court imposes a sentence consistent with this agreement,
20 that you would not be able to appeal that?

21 Do you understand that?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** If there's other issues for appeal,
24 obviously you can discuss that with your counsel.

10:20:46AM 25 In addition, there's what's called a "forfeiture

1 provision" in this particular case, which indicates that
2 you're agreeing to give up any claim of ownership in a
3 EEE laptop computer and an LG Verizon cellular phone.

4 Do you understand that?

10:21:05AM 5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Those two items were seized apparently
7 by law enforcement during the execution of a search warrant;
8 is that right?

9 **THE DEFENDANT:** Yes.

10:21:13AM 10 **THE COURT:** Do you understand what that means is
11 you're giving up your right to make any claim to that
12 property, and in turn it will be forfeited to the Government?

13 Do you understand?

14 **THE DEFENDANT:** Yes.

10:21:22AM 15 **THE COURT:** Okay. Is there anything about the
16 agreement that you're confused about or anything you want to
17 ask Mr. Hosken?

18 **THE DEFENDANT:** No.

19 **THE COURT:** Okay. I'd like to proceed with the
10:21:45AM 20 defendant signing the agreement at this time.

21 **MR. HOSKEN:** Yes, Your Honor.

22 **MS. LEE:** Your Honor, if we may? I would like to
23 make a couple of just typographical corrections to the factual
24 basis of the plea agreement and to the superseding
10:22:35AM 25 information.

1 **THE COURT:** Sure.

2 **MS. LEE:** That were handed up to you. I just want
3 to make the dates consistent to what was in the original
4 indictment.

10:22:45AM 5 So the time period should be charged between, I
6 think, April 14th and April 18th of 2012 as opposed to
7 April 4th to April -- well, I'm okay with the factual basis I
8 guess as stated in the plea agreement.

9 **THE COURT:** That indicates April 4th to the 18th.
10:23:08AM 10 Should that be the time period?

11 **MS. LEE:** I think that's okay. I think it's the
12 information that's -- that compresses the time period to, I
13 think, April 4 to 14th? So it's the information I believe
14 that should be corrected. Hold on. Yes.

10:23:32AM 15 **THE COURT:** Corrected to what?

16 **MS. LEE:** To between on or about April 4, 2012 and
17 April 18th of 2012.

18 **MR. HOSKEN:** There's no correction to the plea
19 agreement then, Your Honor?

10:23:45AM 20 **MS. LEE:** No.

21 **MR. HOSKEN:** Okay, I'll hand it up, Judge. It's
22 been signed by my client, myself and the Government.

23 **THE COURT:** Do you have any objection to changing
24 the date on the superseding information to reflect the dates
10:23:55AM 25 of April 4th to April 18th?

1 **MR. HOSKEN:** No, Your Honor.

2 **THE COURT:** Based upon that, the Court will allow
3 the amendment to reflect the dates of April 4, 2012 to
4 April 18th, 2012.

10:24:11AM 5 The Court does have before it the plea agreement
6 which has been signed by the prosecution, the defendant and
7 defense counsel.

8 I was just checking the date, I didn't realize
9 today is the 8th, but it is. You also reviewed with your
10 client the waiver of indictment at this time?

10:24:30AM 11 **MR. HOSKEN:** Going through that right now, Your
12 Honor.

13 **THE COURT:** Thank you.

14 You know, Ms. Blue, by signing this document which
10:25:37AM 15 is entitled "waiver of indictment," as I previously indicated,
16 you're giving up your right to have this matter presented to a
17 grand jury?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** That instead of a grand jury, there will
10:25:46AM 20 be a superseding information filed which has the same force
21 and effect as an indictment filed by a grand jury?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Do you have any questions about this
24 procedure?

10:25:55AM 25 **THE DEFENDANT:** No.

1 **THE COURT:** Based upon that the Court will sign the
2 waiver of indictment, which has been signed previously by
3 Ms. Blue and her counsel.

4 She's ready to proceed at this time?

10:26:10AM 5 **MR. HOSKEN:** Yes, Your Honor.

6 **THE COURT:** Ms. Blue, first of all, you've had
7 Mr. Hosken as your attorney throughout these proceedings; is
8 that correct?

9 **THE DEFENDANT:** Yes.

10:26:17AM 10 **THE COURT:** Do you understand you have a right to
11 have counsel through all these proceedings, including right
12 through sentencing?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** And are you satisfied with the
10:26:25AM 15 representation he's provided to you?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Okay. At this time I'm going to go
18 through this superseding information with you and then ask you
19 at the end whether or not you plead guilty or not guilty to
10:26:36AM 20 that, okay?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Chellsie Blue, this indicates that
23 between April 4th, 2012 and April 18th, 2012, in the Western
24 District of New York, that you Chellsie Blue did knowingly,
10:26:53AM 25 willfully and unlawfully combine, conspire and agree with

1 Jerese Blue and others to knowingly recruit, entice, harbor,
2 transport, provide, obtain and maintain by any means in and
3 affecting interstate and foreign commerce victim 1 and victim
4 2, persons known to the grand jury, persons under the age of
10:27:23AM 5 18, knowing and in reckless disregard of the fact that victim
6 1 and victim 2 had not obtained the age of 18 years, and that
7 victim 1 and victim 2 would be caused to engage in a
8 commercial act -- commercial sex act, excuse me, in violation
9 of the United States Code.

10:27:48AM 10 So I'd ask you at this time how do you plead to
11 conspiracy to commit sex trafficking of a minor, guilty or not
12 guilty?

13 **THE DEFENDANT:** Guilty.

14 **THE COURT:** All right. The Court has had the
10:28:00AM 15 opportunity to observe Ms. Blue. She appears to be an
16 intelligent young woman who did respond to all the Court's
17 questions appropriately. She has been represented by
18 Mr. Hosken throughout this proceeding, indicated she's
19 satisfied with that representation.

10:28:17AM 20 Indicated that she has no physical or mental
21 condition affecting her ability to understand anything that
22 occurred today; that she's pleading knowingly and voluntarily.

23 She did articulate a factual basis for the plea to
24 the superseding information.

10:28:35AM 25 Therefore, the Court at this time will accept the

1 plea of guilty.

2 Did you give me a date, Maggie?

3 **THE CLERK:** I did not.

4 **THE COURT:** Talking some time in April, right?

10:29:01AM 5 **THE CLERK:** Anything in the afternoon, April 7th --
6 let's see, afternoon.

7 **THE COURT:** The 9th, how about the 9th? We've got a
8 3 o'clock already.

9 **THE CLERK:** 3:30, I was going to say 3:30 or on the
10:29:17AM 10 9th at 3:00.

11 **THE COURT:** Let's do that. How is April 9th, 3:00
12 p.m.?

13 **MR. HOSKEN:** Fine with me, Your Honor.

14 **MS. LEE:** That's fine.

10:29:27AM 15 **THE COURT:** Ms. Blue, we're going to put the matter
16 on for April 9th, 3:00 p.m. for sentencing. Between now and
17 then you'll be in contact with Probation. It's important
18 Mr. Hosken know of any meetings you have with Probation so he
19 can be part of that and make sure you cooperate with them.

10:29:44AM 20 They will get a report to the Court, the information contained
21 in that report is going to be critical as to the sentence the
22 Court ultimately decides to impose.

23 Do you understand that?

24 **THE DEFENDANT:** Yes.

10:29:52AM 25 **THE COURT:** Okay. Regarding the defendant's status

1 at this time?

2 **MS. LEE:** Your Honor, currently Ms. Blue is
3 released. The Government notes that pursuant to our office
4 policy, it's our position that the statute requires her remand
10:30:09AM 5 subject to an application by defense counsel to establish
6 exceptional circumstances.

7 I will state for the record that Ms. Blue has been
8 relatively compliant while she has been on release. She is
9 subject to electronic monitoring, which is mandated by the
10:30:28AM 10 Adam Walsh Child Protection and Safety Act.

11 And I say "relatively compliant" because earlier on
12 when the case was charged by way of criminal complaint,
13 Ms. Blue did have some drug abuse issues, but since we were
14 back before Judge Feldman for some modification of conditions,
10:30:51AM 15 it's our understanding that she -- we haven't had any negative
16 reports with respect to that issue.

17 And it's also -- it was advised to me by Mr. Hosken
18 that Ms. Blue gave birth fairly recently to a newborn child.

19 **THE COURT:** Mr. Hosken?

10:31:08AM 20 **MR. HOSKEN:** Thank you, Judge. Starting with the
21 most recent information, about 8 o'clock this morning I spoke
22 with Ms. Blue's supervising Probation Officer, Mr. Varalli. I
23 inquired as to Ms. Blue's response to pretrial supervision and
24 Mr. Varalli told me she has been compliant since her release
10:31:29AM 25 from custody.

1 To give the Court some additional information that
2 Ms. Lee kind of touched on, Judge, initially I was appointed
3 to represent Ms. Blue when she was released on May 25th of
4 2012, almost two years ago.

10:31:43AM 5 She was -- she struggled with marijuana use and
6 subsequently, Your Honor, she was detained pursuant to the
7 Government's motion and Judge Feldman's determination from the
8 middle of April of last year through the middle of May.

9 Subsequently -- and that was for her continued use
10 of marijuana.

11 **THE COURT:** Was that 2013?

12 **MR. HOSKEN:** Yes, Your Honor. So a little over a
13 year ago -- a little less than a year ago she was jailed for a
14 month.

10:32:10AM 15 During that month's time, Your Honor, she was
16 housed at the Monroe County jail, and I think Judge Feldman
17 and perhaps the Government saw it as a reeducation tool
18 because since she has been released now since mid May, she has
19 been, as Mr. Varalli said, compliant.

10:32:29AM 20 I can tell the Court a couple of things: Ms. Blue,
21 it is, in fact, true that on November 3rd she gave birth to
22 her second daughter, Your Honor, a daughter who is a little
23 over two months old. She also has a 6 year old daughter.

24 They reside in the house with my client as well as
10:32:45AM 25 with her mother, who is in the courtroom, and Chellsie

1 provides support for her mother, her younger brother and her
2 two children that are in the house.

3 They are in the process of moving from
4 Arnett Boulevard to West Side Terrace. And her mother, who is
10:33:01AM 5 in the courtroom, struggles with many physical health issues,
6 including she's 47 years of age, she struggles with Sickle
7 Cell, Judge, she has to use a cane, she's on blood thinners,
8 she fell, has a deep laceration on her lower right leg. Other
9 than coming to court, she's been unable to leave the home, the
10:33:23AM 10 mother has, except for doctor's appointments. She came to
11 court today in support of her daughters.

12 Based upon all those factors, I believe, Judge,
13 that under the circumstances that are present before this
14 Court in this case, there are exceptional circumstances. And
10:33:38AM 15 in light of the fact that these are unique and extraordinary
16 in this case, I'm asking that you continue Ms. Blue's release
17 until the April 9th date for sentencing, Your Honor.

18 **THE COURT:** Thank you. Is Ms. Blue currently
19 working?

10:33:53AM 20 **MR. HOSKEN:** No, Your Honor. She was -- she was
21 engaged in a GED program. She was -- there was some attempts
22 to job readiness, but about the same time she came out of
23 jail, she was in the early stages of pregnancy, Your Honor, so
24 she was engaged -- I know that her and her sister were
10:34:11AM 25 actively engaged in a GED program through Gates-Chili High

1 School, they were traveling out to Gates a couple times. My
2 client has also successfully completed the Huther Doyle
3 program.

4 So all those things at that point, Judge, there was
10:34:24AM 5 just too many things going on that I think it was determined
6 that it was probably best that she not seek employment at that
7 time. So she's not currently employed, Judge.

8 **THE COURT:** Okay. When you stated earlier she's
9 supporting the other members of the household, you didn't mean
10:34:38AM 10 financially?

11 **MR. HOSKEN:** No, Your Honor. I'm talking about
12 physical support as well as emotional support, Your Honor.

13 **THE COURT:** Okay. Thank you.

14 Ms. Blue, based upon what I've heard, I am going to
10:34:48AM 15 continue your release under the same conditions, electronic
16 monitoring and the other conditions of your release as
17 previously set.

18 I do believe that you do not present a flight risk,
19 there's been no indication that you would flee the
10:35:03AM 20 jurisdiction.

21 I do not believe that you present a danger to the
22 community.

23 And based upon the articulation by your counsel
24 regarding what's occurring in your life, your child, the fact
10:35:16AM 25 that you're really taking care of two children, other members

1 of the household, I do believe that those do present
2 exceptional circumstances to allow your continued release
3 pending sentencing.

4 If, however, there's any problems, particularly
10:35:32AM 5 including drug use or anything else of that sort, that status
6 could change.

7 Do you understand that?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** Make sure there's no problems, okay? So
10:35:40AM 10 continue your release at this point. The matter is on for
11 April 9th, 3:00 p.m. for sentencing.

12 **MR. HOSKEN:** Thank you very much, Your Honor.

13 **THE COURT:** Thank you.

14 (**WHEREUPON**, the proceedings adjourned at 10:35
10:35:49AM 15 a.m.)

16 **CERTIFICATE OF REPORTER**

17
18 In accordance with 28, U.S.C., 753(b), I certify that
19 these original notes are a true and correct record of
20 proceedings in the United States District Court for the
21 Western District of New York before the Honorable Frank P.
22 Geraci, Jr. on January 8th, 2014.

23
24 S/ Christi A. Macri

25 Christi A. Macri, FAPR-RMR-CRR-CRI
Official Court Reporter